

REMARKS

New Counsel of Record

The power of attorney to Gordon E. Nelson has been revoked. The attorneys and agents associated with Customer Number 22830 (Carr & Ferrell LLP) have been appointed as new counsel of record. A *Notice of Acceptance of Power of Attorney* issued on February 7, 2006. The Examiner's assistance is respectfully requested in ensuring that all future communication concerning this application is directed to new counsel of record. New counsel looks forward to working with the Examiner in bringing prosecution of the present application to a mutually agreeable conclusion.

Information Disclosure Statement

Applicants have submitted, herewith, an *Information Disclosure Statement* compliant with 37 C.F.R. § 1.97. No fee is due pursuant to 37 C.F.R. § 1.97(b)(4) in that the art is submitted currently with a *Request for Continued Examination* under 37 C.F.R. § 1.114 and prior to the issuance of any subsequent action in response thereto.

Amendments to the Specification

Applicants have amended the cross-reference section of the specification to properly reflect the continuation-in-part priority claims of the present application as provided by 37 C.F.R. § 1.78(a)(1) and otherwise required by 37 C.F.R. § 1.78(a)(2)(i) and 37 C.F.R. § 1.78(a)(2)(iii).

The present application now reflects a continuation-in-part priority claim to U.S. patent application numbers 09/720,277 and 09/034,507 (via the '277 application) as well as any related Patent Cooperation Treaty (PCT/US99/14585 in the case of the '277 application) and provisional (60/091,130 in the case of the '277 application; 60/039,542 and 60/040,262 in the case of the '507 application) patent applications. As a result of these amendments, the earliest priority date of the present application pursuant to 35 U.S.C. § 120 in conjunction with 35 U.S.C. § 119(e) is March 10, 1997.

The four-month time period limitation of 37 C.F.R. § 1.78(a)(2)(ii) does *not* apply as the present application is an application filed under 35 U.S.C. § 371 from an international application filed under 35 U.S.C. § 363 before November 29, 2000; the international application was filed June 21, 2000. As such, the surcharge and unintentional delay requirements of 37 C.F.R. § 1.78(a)(3) are *not applicable*.

Rejection of Claim 1 Under 35 U.S.C. § 102(b)

The Examiner contends, *inter alia*, that claim is rejected under 35 U.S.C. § 102(b) "as being anticipated by US Pat No 5,504,890 issued to Sanford." *Final Office Action*, 2. The Applicants traverse the Examiner's rejection in that *Sanford* fails to disclose each and every element of Applicant's amended claim 1 as set forth below:

An interface apparatus for providing information in response to a query of a virtual database table, the interface apparatus, comprising:

a virtual database service, the virtual database service comprising the virtual database table, wherein the virtual database table comprises one or more rows, each of the one or more rows comprising one or more fields; and

an information source for the information to be provided in response to the query, the query comprising a field name and an indication of manner for selecting a row,

wherein the virtual database service is configured to receive the query, respond to the field name and the indication of the manner for selecting a row as required to obtain the information to be provided from the information source, and providing the information as a value of the field indicated by the field name in the selected row, in response to the query.

Sanford Fails to Disclose a Query Interface Apparatus

Sanford fails to disclose a ‘query interface apparatus’ as is recited in the preamble of claim 1. As noted by the Abstract of Sanford, “[a] system is provided for sharing data among cooperating but independently-operating data-gathering contributors.” *Sanford*, Abstract. There is no suggestion of Sanford disclosing the aforementioned interface, especially one that provides ‘information in response to a query of a virtual database table’ as set forth in claim 1. While the Federal Circuit noted in *Catalina Mktg. Int'l v. Coolsavings.com, Inc.*, that the determination of whether a preamble limits a claim is a case-by-case determination, the Federal Circuit has previously stated that *any* terminology in the preamble that limits the structure of the claimed invention *must be treated as a claim limitation*. 289 F.3d 801, 808 (Fed. Cir. 2002); *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257 (Fed. Cir. 1989). The Examiner wholly failed to make any reference to the limitations of preamble in the *Final Office Action*. See *Final Office Action*. Absent such a showing, the Applicants contend the Examiner has failed to evidence each and every element as set forth in the claim and the 35 U.S.C. § 102(b) rejection is, therefore, overcome. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Sanford Fails to Disclose a Virtual Database *and* Virtual Database Table

Notwithstanding the absence of a query interface in Sanford, Sanford further fails to disclose both a virtual database and virtual database table as required by claim 1. While the Examiner contends Sanford to disclose a virtual database at column 6, lines 6-10, there is no evidence that Sanford discloses a virtual database service comprising a ‘virtual database table.’ See *Final Office Action*, 2. Figure 1, by Sanford’s own words, “is a schematic view of one embodiment of a data sharing operation.” *Sanford*, col. 4, l. 6-7. An *operation*—including the one disclosed in Figure 1—does not anticipate a *database table* as is recited in claim 1.

Column 5, lines 33-60—as further cited by the Examiner—refer to Figure 2C, which Sanford characterizes as a “type[] of exemplary *database*[] which [is] to be coordinated in accordance with [a] data sharing operation.” Sanford, col. 4, l. 10-11 (emphasis added). The Applicants respectfully note that the limitation in question is not a database but a *database table*. In that regard, the Applicants contend the Examiner has not given the claim term its plain meaning nor identified each and every limitation of the claim in light of that meaning. See *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) and *Diamond v. Diehr*, 450 U.S. 175, 188-89 (1981).

The Examiner’s final reference to Sanford—col. 5, l. 60-col. 6, l. 15—further fails to evidence a database table in that this portion of Sanford, as cited by the Examiner, continues to discuss the schematic of Figure 1, including database 17, 25, 33; contributors 11, 13, 15; server 41; data bus 51; and workstations 43, 45, 47, 49.

As “[a] claim is anticipated only if *each and every element and set forth in the claim* is found,” the Applicants contend the Examiner has not evidenced anticipation of claim 1 under 35 U.S.C. § 102(b) and in light of Sanford. *Verdegaal*, 814 F.2d at 631 (emphasis added).

Sanford Fails to Disclose a Query Comprising a Field Name and an Indication of Manner for Selecting a Row

Notwithstanding the absence of a query interface and a virtual database *and* database table in Sanford, the Applicants note that Sanford further fails to disclose a query comprising a field name and indication of a manner for selecting a row. Column, lines 24-38 of Sanford and as identified by the Examiner pertain to a “contributor-specific subset of data fields[, which] may be altered only by the particular contributor with which it is associated.” Sanford, col. 2, l. 29-31. There is not suggestion of a query nor of identification of a field name and manner for selecting a row as is required by claim 1. As “[a] claim is anticipated only if *each and every element and set forth in the claim* is found,” the Applicants contend the Examiner has not evidenced anticipation of claim 1 under 35 U.S.C. § 102(b) and in light of Sanford. *Verdegaal*, 814 F.2d at 631 (emphasis added).

Sanford Fails to Disclose Providing Information as a Value Indicated by a Field Name and Row and in Response to a Query

Notwithstanding the absence of a query interface; a virtual database *and* database table; and a query comprising a field name and indication of a manner for selecting a row, the Applicants note that Sanford further fails to disclose providing information as a value indicated by a field name and row in response to the aforementioned query.

The Examiner, in the *Final Office Action*, suggested that Figure 1 of *Sanford* somehow anticipates this particular limitation of claim 1. See *Final Office Action*, 2. Figure 1, however, “is a schematic view of one embodiment of a data sharing operation conducted in accordance with the present invention.” *Sanford*, col. 4, l. 6-8. Figure 1 thus fails to evidence, at least, the limitations of ‘a value indicated by a field name and row in response to the aforementioned query’ as is recited in claim 1.

The Examiner also refers to *Sanford* at column 5, lines 44-60 as disclosing this claimed limitation. *Sanford*, as cited by the Examiner, discusses the “considerable sums [expended by a contributor] in creating and maintain database 33.” *Sanford*, col. 5, l. 44-45. While column 5 does make reference to information being “divided into two subsets of field,” there is no indication that this division of data fields teaches each and every element of the present limitation at issue, including ‘a value indicated by a field name and row in response to the aforementioned query.’ *Sanford*, col. 5, l. 50.

The final portion of *Sanford* referenced by the Examiner—col. 5, l. 60 through col. 6, l. 15—pertains to “database 17, 25, 33” being “separately maintained after a collaborative venture between contributors 11, 13, and 15.” *Sanford*, col. 5, l. 60-62. Column 6 discusses various means of interconnecting contributors but makes no reference to ‘a value indicated by a field name and row in response to the aforementioned query.’

As “[a] claim is anticipated only if *each and every element and set forth in the claim* is found,” the Applicants contend the Examiner has not evidenced anticipation of this particular limitation of claim 1 under 35 U.S.C. § 102(b) and in light of *Sanford* and the Examiner’s rejection is therefore overcome. *Verdegaal*, 814 F.2d at 631 (emphasis added).

Dependent Claims

The Examiner rejected claims 2-14 either under 35 U.S.C. § 102(b) as being anticipated by *Sanford*; under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable “over *Sanford* in view of The Coldfusion 4.0 Web Application Construction Kit”; or “unpatentable over *Sanford* in view of US Pat No 5,748,890 issued to Goldberg et al.” *Final Office Action*, 2, 6, 7.

Each dependent claim of the present application depends—either directly or via an intermediate dependent claim—upon claim 1, which the Applicants contend is allowable for the reasons set forth above. Accordingly, the Applicants further contend that each dependent claim of the present application is allowable *at least* for the same reasons as claim 1. See 35 U.S.C. § 112, ¶ 4 (noting “[a] claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers”); see also *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (finding that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim dependent from that claim is also non-obvious).

CONCLUSION

Applicants have submitted, herewith, a *Supplemental Information Disclosure Statement*. Consideration of these references is respectfully requested. No fee is due as the statement is submitted concurrently with the present *Request for Continued Examination*.

The Applicants have amended the cross-references section of the specification to properly reflect the priority benefits claims by the present application pursuant to 35 U.S.C. § 120. No fee for unintentional delay is due for this amendment and no new matter is introduced.

The Applicants contend the Examiner's 35 U.S.C. § 102(b) rejection of independent claim 1 is overcome in that *Sanford* fails to disclose, at the least, (1) a query interface apparatus; (2) a virtual database *and* virtual database table; (3) a query comprising a field name and an indication of manner for selecting a row; and (4) providing information as a value indicated by a field name and row in response to a query. As the rejection of claim 1 is overcome, Applicants contend claim 1 to be in condition for allowance.

The Applicants contend the dependent claims of the present application are also allowable in that they depend—either directly or from an intermediate claim—upon allowable claim 1. The dependent claims are, therefore, allowable for at least the same reasons as claim 1.

As all of the Examiner's rejections are overcome, the Applicants respectfully request the passage of the present application to allowance. The Examiner is invited to contact the undersigned with any questions concerning this amendment or the overall state of this application.

Respectfully submitted,
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